

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Aristeo Rios,

NO. C 08-03816 JW

Plaintiff,

**ORDER OF DISMISSAL PURSUANT TO  
FED. R. CIV. P. 4(m)**

v.


J.R. West, Inc.,

Defendant.

The Court conducted a hearing pursuant its January 28, 2009 Order to Show Cause Re: Dismissal. Based on the papers submitted in response to the Court's January 28, 2009 Order and oral argument, the Court finds that Plaintiff has not shown good cause for failing to timely serve Defendant.

Accordingly, pursuant to Fed. R. Civ. P. 4(m), the Court DISMISSES this action without prejudice. The Clerk shall close this file.

Dated: February 26, 2009

  
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JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang waqw@sbcglobal.net

3 **Dated: February 26, 2009**

**Richard W. Wieking, Clerk**

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5 **By: /s/ JW Chambers**

6 **Elizabeth Garcia**  
7 **Courtroom Deputy**  
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